

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

KARYN ZADOR,
Charging Party

HRB CASE NO. 0121015637

-v-

FINAL AGENCY DECISION

ALL AMERICAN PHARMACEUTICAL,
Respondent

Charging Party, Karyn Zador (Zador), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age and disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Zador's allegations that Respondent, All American Pharmaceutical, discriminated against Zador. The Department issued a Notice of Dismissal. Zador filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on June 14, 2013. Karyn Zador appeared and argued on her own behalf. Steven Lehman appeared and argued on behalf of All American Pharmaceutical.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. In this case, the Commission finds that a reasonable inference may be drawn from the evidence that the employer had legitimate, nondiscriminatory reasons to terminate Zador's employment. No medical evidence was presented to demonstrate that Zador was disabled and Zador never affirmatively requested any accommodation by the employer. Moreover, the comparative evidence strongly indicated that age was not a factor in Zador's discharge. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

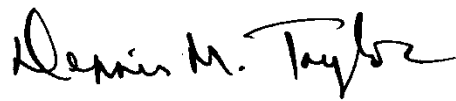
If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA.*

If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Karyn Zador's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against All American Pharmaceutical.

DATED this 14th day of June, 2013.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 17th day of June, 2013.

KARYN ZADOR
P.O. BOX 836
ROUNDUP, MT 59072

STEVEN LEHMAN
CROWLEY FLECK PLLP
490 NORTH 31ST STREET, SUITE 500
BILLINGS, MT 59101



Annah Smith, Legal Secretary
Montana Human Rights Bureau